



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR AGENDA

**Newport Beach City Hall
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Wednesday, November 27, 2013 – 3:30 p.m.**

Brenda Wisneski, Zoning Administrator

Staff Members:

**Makana Nova, Assistant Planner
Fern Nueno, Associate Planner
Benjamin M. Zdeba, Assistant Planner**

A) CALL MEETING TO ORDER

B) MINUTES OF NOVEMBER 14, 2013

C) PUBLIC HEARING ITEMS

**Item No. 1. Mikelson Residence Tentative Parcel Map No. NP2013-026 (PA2013-194)
428 Marigold Avenue Council District 6**

Summary: A tentative parcel map application for two-unit condominium purposes. No waivers of Title 19 (Subdivision Code) development standards are proposed with this application. A single-family residence has been demolished and will be replaced with a two-unit duplex that will provide the code required two-car parking per unit. The Parcel Map would allow each unit to be sold individually. The property is located in the R-2 (Two-Family Residential) District.

Recommended

Action: 1) Conduct public hearing; and
2) Adopt Resolution No. ____ approving Tentative Parcel Map No. NP2013-026 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions).

**Item No. 2. 1509 East Bay Avenue Tentative Parcel Map No. NP2013-028 (PA2013-208)
1509 East Bay Avenue Council District 1**

Summary: A tentative parcel map to create two separate parcels for single-family developments. The subject property currently consists of four legal lots, portions of two lots, and an abandoned right-of-way. It is currently developed with a single-family residence. The property is located in the R-1 (Single-Unit Residential) District.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least seventy-two (72) hours in advance of each regular hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the Community Development Department at least forty-eight (48) hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible at 949-644-3200.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Tentative Parcel Map No. NP2013-028 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions).

Item No. 3. Prun Residence Modification Permit No. MD2013-015 (PA2013-177)
3400 Ocean Boulevard Council District 6

Summary: A modification permit to allow a Building Code required guardrail of an as-built exterior entry stairway and proposed access ramp in the side setback adjacent to Marigold Avenue to exceed the 6-foot height limit by 7 inches. The applicant also requests approval of an as-built 3-foot 3-inch high retaining wall adjacent to the right-of-way within the front yard setback where the Zoning Code limits the height of the first retaining wall in a series to be a maximum of 2 feet in height. The property is located in the R-1 (Single-Unit Residential) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Modification Permit No. MD2013-015 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations).

Item No. 4. Rafail Residence Modification Permit No. MD2013-021 (PA2013-213)
1246 Somerset Lane Council District 3

Summary: A modification permit to allow a 40 percent addition to an existing nonconforming single-family residence where the code limits additions up to 10 percent of the existing gross floor area when the required parking width is not provided. The garage provides a 19-foot 2-inch width where 20 feet is required. The garage is also nonconforming because it provides a 2-foot 2-inch side setback and 3-foot 2-inch rear setback where 6-foot side and rear setbacks are required. The property is located in the R-1-6,000 (Single-Unit Residential) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Modification Permit No. MD2013-021 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

Item No. 5. Krisp Fresh Living Minor Use Permit No. UP2013-022 (PA2013-205)
1651 Westcliff Drive Council District 3

Summary: A minor use permit application for a take-out service, limited eating and drinking establishment with six seats. The applicant proposes to convert the existing retail sales suite into a juice bar. The property is located in the CG (Commercial General) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ approving Minor Use Permit No. UP2013-022 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

D) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Zoning Administrator has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

E) ADJOURNMENT

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

The agendas, minutes, and staff reports are available on the City's web site at: www.newportbeachca.gov/zoningadministrator and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.